

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 20, 2004

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux,
Deputy Clerk.

Each of the following:

B164592 People v. Villalobos
B165269 People v. Rodriguez
B165825 People v. Acosta
B168019 People v. Sada
B168089 People v. Pedraza
B168275 Ashanti v. Bowman
B168516 People v. Salas
B169138 People v. Armstrong et al.
B169481 People v. Davis
B169654 DCFS v. Corian E.
B169754 People v. Hewitt
B169898 In re Melissa Carmen T.
B169929 People v. James
B170081 People v. Gomez
B170138 People v. Washington
B170204 People v. Andre W.
B170238 DCFS v. Deborah G.
B170276 People v. Wilcher
B170627 DCFS v. Veronica D.
B171340 People v. Daryl J.
B171450 People v. Gonzalez
B171617 DCFS v. Melissa T.
B172202 DCFS v. Jackson W.
B174742 Marcella G. v. SCLA (DCFS, r.p.i.)
B174977 Deirdre O. v. SCLA (DCFS, r.p.i.)
B175300 James A. v. SCLA (DCFS, r.p.i.)

Argument waived, cause submitted.

DIVISION ONE (Continued)

B170333 People
 v.
 Cockrell

Merits:
Argued by Matthew D. Alger for appellant and by Corey J. Robins, Deputy Attorney General, for respondent. Cause submitted.

Vogel, J. leaves the bench.

B171855 People
 v.
 Bybee

Merits:
Argued by Matthew D. Alger for appellant and by Victoria B. Wilson, Deputy Attorney General, for respondent. Cause submitted.

B165272 People
 v.
 Miller

Merits:
Argued by William Flenniken for appellant and by Kyle s. Brodie, Deputy Attorney General, for respondent. Cause submitted.

Vogel, J. returns to the bench.

B168584 People
 v.
 Gaeta

Merits:
Argued by Roberta Simon for appellant and by Roy C. Preminger, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B169214 People
 v.
 Lee

Merits:

Argued by Joseph T. Vodnoy for appellant and by Marc E. Turchin, Deputy Attorney General, for respondent. Cause submitted.

Ortega, J. leaves the bench.

B165089 Indian Ridge Crest Gardens
 v.
 City of Rancho Palos Verdes, et al.

Merits:

Argued by Marina Manoukian for appellant and by Andrew J. Thomas for respondents. Cause submitted.

Ortega, J. returns to the bench.

B164987 People
 v.
 Bonnaudet

Merits:

Argued by Mark Alan Hart for appellant and by Kenneth N. Sokoler, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (Continued)

B175353 Evan M. and Marsha M.
 v.
 SCLA
 Department of Children & Family Services

Appearances:

Judith Luby, Deputy County Counsel, appeared for real party in interest and there was no appearance by petitioners Evan M. and Marsha M., oral argument is waived. Cause submitted.

B171759 People
 v.
 Le

Merits:

Argued by Lawrence Hoodack for appellant and Alan D. Tate, Deputy Attorney General, waived oral argument. Cause submitted.

Mallano, J. leaves the bench.

B168166 TIG Insurance Company
 v.
 The Insurance Corporation of New York

Merits:

Argued by James E. Gibbons for appellant and by Richard C. Turner for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

B166706 Nova Regency Corporation
 v.
 Von Beltz et al.

Merits:

Argued by David M. Marcus for appellant and by Constantin Marcou for respondents. Cause submitted.

Ortega, J. returns to the bench.

Vogel, J. leaves the bench.

B169547 Moreno et al.
 v.
 Spirtos

Merits:

Argued by Jon J. Eardley for appellant and Ronald Cher waived argument for respondents. Cause submitted.

Vogel, J. returns to the bench.

Spencer, P.J. leaves the bench.

B171050 Southern California Edison Co.
 v.
 Public Utilities Commission
 (Center for Energy Efficiency & Renewable Technologies, r.p.i.)

Merits:

Argued by Michael D. Mackness for petitioner, by Karen Paull for respondent PUC and by Jeffery D. Harris for real party in interest. Cause submitted.

July 20, 2004 (Continued)

DIVISION ONE (Continued)

B167721 Guiterrez et al.
v.
Illinois Tool Works

Merits:

Argued by Gregory Coolidge for appellants and by John Shaffery for respondent. Cause submitted.

Court adjourned

B168019 People (Not for Publication)
v.
Daniel Sada

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B170204 People (Not for Publication)
v.
Andre W.

Condition No. 15 is modified to read the Andre is not to associate with anyone known to him to be disapproved by a parent or probation officer, and Condition No. 16 is modified to read that Andre is not to remain in the presence of any person known to him to be unlawfully armed. In all other respects, the orders are affirmed, and the cause is remanded to the juvenile court with directions to correct its orders to conform with these modifications.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

July 20, 2004 (Continued)

DIVISION ONE (Continued)

B170081 People (Not for Publication)
v.
Refugio Gomez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION TWO

B159750 People
v.
Salas et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B165484 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION FOUR

[illegible]

Appellant's sentence is modified as follows: The 10-year firearm use enhancement (§ 12022.53, subd. (b)) on count 1 is stayed. The sentence on count 3 is vacated, and substituted therefore is the term of five years, doubled to 10 years, on the robbery, plus the 10-year firearm use enhancement. The sentence on count 5 is vacated and substituted therefore is the concurrent full term of five years, doubled to 10 years, plus the 10-year firearm use enhancement. On counts 1 through 6 and count 8, the section 12022.5, subdivision (a) firearm use findings are stricken. The indeterminate sentence on count 1 is to be served consecutively to the consecutive determinate sentences, including the five-year prior serious felony enhancement. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect the modified judgment.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

[illegible]

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B169211 State Compensation Insurance Fund
v.
Workers' Compensation Appeals Board
(California Insurance Guarantee Association , r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE

B170872 People (Certified for Partial Publication)
v.
Jamaal Rayshawe Wallace

The judgment is modified to reflect a presentence custody credit of 158 days, consisting of 138 days of presentence custody, and 20 days of conduct credit. The judgment is affirmed as modified. The clerk of the superior court shall prepare and deliver to the Department of Corrections an amended abstract of judgment that sets forth the modified presentence custody credit award of 158 days. In addition, the amended abstract of judgment shall omit the reference to a “\$20 Court security charge pursuant to section 69926(a) GC & 1465(a)(1) PC” under item 7, “Other orders,” and shall instead refer to a “\$20 court security fee pursuant to Penal Code section 1465.8, subdivision (a)(1).”

Turner, P.J.

I concur: Grignon, J.
I concur: Mosk, J. (opinion)

July 20, 2004 (Continued)

DIVISION SIX

B159600 Vaughn (Not for Publication)
 v.
 Lalama

We vacate the punitive damages award and remand for a new trial limited to punitive damages. The judgment is otherwise affirmed. The parties shall bear their own costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
 Perren, J.

DIVISION SEVEN

B167906 Sterling (Not for Publication)
 v.
 Brown et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
 Woods, J.

B167744 People (Not for Publication)
 v.
 Deras

The judgment of conviction is affirmed. The sentence counts 3 and 4 is vacated and the matter is remanded for resentencing on those counts.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.